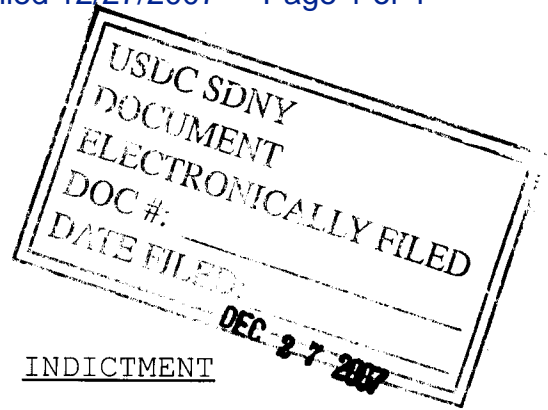


**JUDGE CASTEL**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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UNITED STATES OF AMERICA :

-v.- :

JOSE NUNEZ-ABREU, :

Defendant. :

----- -x

**COUNT ONE**

The Grand Jury Charges:

1. From at least in or about mid-October 2007, up to and including on or about October 31, 2007, in the Southern District of New York and elsewhere, JOSE NUNEZ-ABREU, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE NUNEZ-ABREU, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

**07 CRIM 1230**

OVERT ACT

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about October 31, 2007, JOSE NUNEZ-ABREU, the defendant, arranged to pick up approximately two kilograms of heroin in the Bronx, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the offense alleged in Count One of this Indictment, JOSE NUNEZ-ABREU, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the narcotics trafficking offense, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Count One of this Indictment, including but not limited to the following:

a. A sum of money in United States currency representing the amount of proceeds obtained as a result of the offense alleged in Count One of this Indictment.

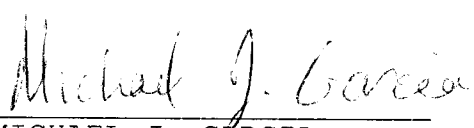
Substitute Assets Provision

5. If any of the above-described forfeitable property, as a results of any act or omission of the defendant:
- a. cannot be located upon exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third person;
  - c. has been placed beyond the jurisdiction of the court;
  - d. has been substantially diminished in value;
  - or
  - e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

JOSE NUNEZ-ABREU,

Defendant.

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INDICTMENT

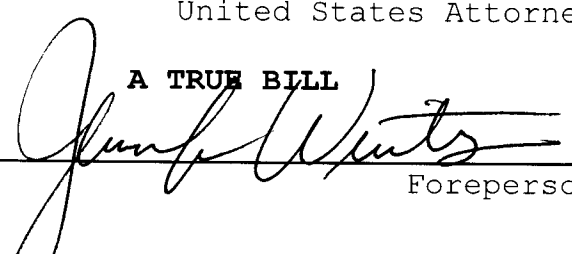
07 Cr.

(21 U.S.C. § 846)

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Michael J. Garcia  
United States Attorney.

A TRUE BILL

  
Foreperson.

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12/27/07 Filed 12/27/07 Post 11-1-87 This case is  
Assigned to Judge Carter for all purposes

